

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

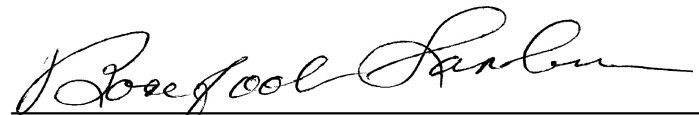
WERNER MICHAEL FISK,)	
Petitioner,)	
vs.)	No. 3:04-CV-2643-H
)	ECF
NATHANIEL QUARTERMAN, Director,)	
Texas Department of Criminal)	
Justice, Correctional Institutions Division,)	
Respondent.)	

ORDER DENYING CERTIFICATE OF APPEALABILITY

Petitioner has filed a Notice of Appeal in the above captioned action in which the District Court has entered a final order in a habeas corpus proceeding brought pursuant to 28 U.S.C. § 2254. Considering the record in this case, and pursuant to Federal Rule of Appellate Procedure 22(b) and 28 U.S.C. § 2253(c), the Court hereby **DENIES** petitioner a certificate of appealability. The Court hereby adopts and incorporates by reference the Findings, Conclusions and Recommendation of the United States Magistrate Judge, filed on **May 19, 2007**, that this Court accepted on **June 12, 2007**, in support of its finding that petitioner has failed to “demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *See Miller-El v. Cockrell*, 537 U.S. 322, 338 (2003) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)); 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 30th day of July, 2007.


**BAREFOOT SANDERS, SENIOR JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**